

**REMARKS**

Claims 1-20 are pending in this application. By this Amendment, claims 1, 9 and 10 are amended. Support for the amendments to claims 1, 9 and 10 may be found on p. 6, lines 10, 6-7 and 20-24; p. 11, lines 8-22; and Figs. 1B, 2A, 5B and 5C, for example. No new matter is added.

The Office Action rejects claims 1-20 under 35 U.S.C. §112, second paragraph. These rejections are respectfully traversed for at least the following reasons.

Regarding claims 1-18, claims 1, 9 and 10 are amended to obviate the Office Action's rejections. In particular, claim 1 is amended to recite "a photonic crystal" and "a pattern member", as discussed with the Examiner during multiple telephone interviews. The amendment to claim 1 should alleviate the Examiner's concern that "[t]oys such as tinker toys may be structured three-dimensionally..." because tinker toys are not photonic crystals. Additionally, claim 1 is further amended regarding the recitation of "a cross-sectional form member" and claims 9 and 10 are further amended regarding the recitation of "a collective". Although Applicants believe that the claims are allowable without amendment for the reasons stated in the previous submission, the claims are amended to further prosecution. Claims 2-18 ultimately depend from claim 1 (claims 11 and 13 depend from claim 3, and claims 12 and 14 depend from claim 10). Accordingly, Applicants respectfully request the withdrawal of the rejections of claims 1-18 under 35 U.S.C. §112, second paragraph.

Regarding claims 19 and 20, Applicants respectfully submit that these claims correspond to claims 2 and 5, and are therefore allowable, as indicated in the October 9, 2007 Office Action. In particular, Applicants respectfully submit that these claims are "[not] insolubly ambiguous without a discernible meaning after all reasonable attempts at construction" and that "a person of ordinary skill in the art [could interpret] the metes and bounds of the claim ... to avoid infringement". MPEP §2173.02. Additionally, Applicants

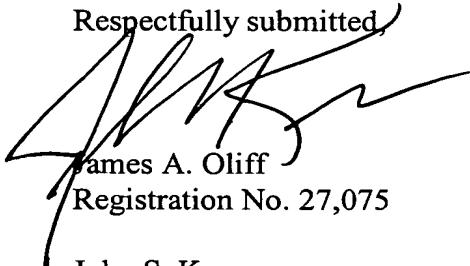
note that "[g]reat care should be exercised in authorizing ... a rejection [of a previously allowable claim]." MPEP §706.04 (citing Ex parte Grier, 1923 C.D. 27, 309 O.G. 223 (Comm'r Pat. 1923) and Ex parte Hay, 1909 C.D. 18, 139 O.G. 197 (Comm'r Pat. 1909)).

Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 19 and 20 under 35 U.S.C. §112, second paragraph.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Request for Continued Examination

Date: July 18, 2008

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